

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Misc. No. M- 18220 of 2013

Date of Decision:-18.01.2016

Shakuntala and others

...Petitioners

Versus

Ran Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. B.K. Bagri, Advocate for the petitioners.

Mr. S.S. Khurana, Advocate for respondent No.1.

Ms. Shaveta Sanghi, AAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for setting aside the judgment dated 19.05.2011 (Annexure P-7) passed by learned Additional Sessions Judge, Rewari, vide which judgment dated 14.07.2008(Annexure P5) passed by learned SDJM, Kosli was set aside.

Learned Magistrate vide judgement dated 14.07.2008 has dismissed the complaint on the basis of preliminary evidence. However, against the judgment dated 14.07.2008 passed by learned SDJM, Kosli, revision filed by the respondent No.1/complainant was allowed and learned Sessions Judge, Rewari, vide judgment dated 19.05.2011 had directed the trial Magistrate to issue process of summoning the present petitioners to face

trial instead of giving directions to him to make further enquiry.

Learned counsel for the petitioners submits that in view of the judgment passed by this Court in **Rajesh Rawat Vs. Karan Dagar 2006(2) RCR (Criminal) 710**, when a revision against that order was accepted by the Sessions Judge then Sessions Judge was required to give directions to the Chief Judicial Magistrate or the trial Magistrate to make further enquiry and then pass orders.

Learned counsel appearing for respondent No.1 submits that there is no dispute about the proposition of law settled in **Rajesh Rawat's case** (supra), however, he further submits that it would be a futile exercise to remand back the matter to Chief Judicial Magistrate or the trial Magistrate for making further enquiry, as whole of the evidence in the matter is already recorded

I have heard learned counsel for the parties.

In the present case, complaint was dismissed under Section 203 Cr.P.C. When a revision against that order was accepted by the Sessions Judge then Sessions Judge was to give directions to the Chief Judicial Magistrate or the trial Magistrate to make further enquiry and then pass orders instead of directing the learned Magistrate to issue process of summoning.

Under these circumstances, order dated 19.05.2011 (Annexure P-7) passed by learned Additional Sessions Judge, Rewari, is set aside and the present petition is accepted to the extent that trial Court shall hold further enquiry in the matter and pass orders in accordance with law.

18.01.2016
Anjal

(HARI PAL VERMA)
JUDGE